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the bracket motion and I will support the bill. I guess I just had to say what I had to say. Thank you.

**SPEAKER KRISTENSEN:** Senator Matzke. (Applause) Ladies and gentlemen, (gavel), ladies and gentlemen, I appreciate your interest in the Legislature but this is not a spectator sport. You are our guests, we appreciate your being here, but we don't tolerate any expressions of approval or disapproval. Thank you. Senator Matzke.

**SENATOR MATZKE:** Mr. Speaker and members of the Legislature, I want to reiterate what Senator Suttle said. Senator Dwite Pedersen is mistaken. Fetal tissue from late term partial abortions are not used in this research, and it's very clear what Senator Suttle says is correct. Fetal tissue used in this research is only from weeks 10 through 19. During the time that I've served in the Legislature, we've actually only had one bill that would limit abortion. That was LB 23 that Senator Maurstad brought that banned late term partial abortion. I supported that. I voted for that along with almost this entire body unanimously. I think it's an abhorrent procedure, but fetal tissue from late term abortion is not used in this research. An interesting statistic is that the National Institute of Health funds 288 research projects using fetal cells in more than 45 research institutions throughout the country. Ponder for a minute what effect this would have on the status, the reputation, the academic ability of our university if this bill were passed and if we were to put our university in the backwater of accepted medical research throughout the country. Having said that,...well, I guess Senator Brashear has returned. In response to my addressing the issue of the constitutionality of this bill, he referred to page 5 of the opinion in the Exon case. Well, I will go to page 5. I did not read the whole opinion to you, obviously, but there is one provision on page 5 that makes it particularly relevant to this issue. In this case,...and I quote from the opinion. It says: a problem in regard to the University Cash Fund arose in 1997 (sic--1967) when the Governor made a line item veto of an appropriation for the University's Cash Fund for instruction and research support. This case deals with research support. The trial court found, and I quote here; the Legislature cannot control the use by the Board of Regents of funds generated by university activities.